

21, 1895, was passed, and I am also directed by the House to request the return of said resolution to the House.

Respectfully,

CHESTER HAILE,
Chief Clerk House of Representatives.

On motion of Senator Steele, the request of the House was granted and the resolution was returned.

On motion of Senator Colquitt, Senate adjourned until 10 a. m. tomorrow.

NINTH DAY.

Senate Chamber,
Austin, Texas, January 17, 1895.

Senate met pursuant to adjournment.

Lieutenant Governor Jester in the chair.

Roll called. Quorum present, the following senators answering to their names:

Agnew.	Harrison.
Atlee.	Lawhon.
Bailey.	Lewis.
Beall.	McKinney.
Bowser.	Presler.
Colquitt.	Rogers.
Crowley.	Shelburne.
Darwin.	Simpson.
Dean.	Smith.
Dibrell.	Steele.
Dickson.	Tips.
Gage.	Whitaker.
Goss.	Woods.

Greer,

Absent—Senator McComb.

Excused—Senators Boren and Sherrill.

Prayer by the Chaplain, Dr. Smoot.

Pending the reading of the Journal of yesterday,

On motion of Senator Woods, the same was suspended.

On motion of Senator Woods, Senator Sherrill was excused for today on account of important business.

On motion of Senator Dickson, Senator Boren was excused for today on account of sickness.

COMMITTEE REPORTS.

Committee Room,
Austin, Texas, January 16, 1895.

Hon. George T. Jester, President of the Senate:

Your Committee on Internal Improvements, to whom was referred

Senate bill No. 34, being a bill to be entitled "An act for the relief of railway corporations and belt and suburban railway companies having charters granted or amended since said 1st day of January, 1887, and which have failed or are about to fail to construct their roads and branches, or any part thereof, within the time required by law,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that section 2 of said bill be amended so as to read as follows:

"Section 2. Any railway corporation chartered since the first day of January, A. D. 1887, and which by its original charter or by amendments thereto filed

since the 1st day of January, A. D. 1887, has provided for the locating, constructing, owning, maintaining and operating of any extension or branch line or lines of railway, and which has failed or is about to fail to complete the same or any part thereof within the time required by law, shall be and is hereby restored to and granted all and singular the rights, privileges and franchises acquired by such original charter or by such amendment to its articles of incorporation as if the same were filed and recorded in the office of Secretary of State on the day of the taking effect of this act, and such corporation shall be and is hereby authorized to project, complete, construct, own and operate any such extensions and branch line or lines of railway under and as provided for in its charter or in any such amendment to its articles of incorporation; provided that said extension and branch lines of railway shall be by such corporation completed and put in running order at the rate of at least ten miles within one year from the taking effect of this act, and twenty additional miles for each and every year thereafter until all of said extensions and branch line or lines so provided for are completed."

And I am instructed to recommend that said bill so amended do pass.

M'KINNEY, Chairman.

Committee Room,
Austin, Texas, January 16, 1895.

Hon. George T. Jester, President of the Senate:

Your Committee on Internal Improvements, to whom was referred

Senate bill No. 39, being a bill to be entitled "An act to amend section 3 of an act entitled an act to require railroad companies in the State of Texas to provide separate coaches for white and negro passengers, and to prohibit passengers from riding in coaches other than those set apart for their use, and confer certain powers upon conductors, and to provide penalties for the violation thereof, passed by the Twenty-second Legislature, and approved March, 1891, and amended April 11, 1891, by the addition thereto of section 6a,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do not pass.

M'KINNEY, Chairman.

BILLS AND RESOLUTIONS.

By Senator Simpson:

A bill to be entitled "An act to amend articles 488 and 489, of the Code of Criminal Procedure, and to add to said Code articles 489a, 489c, 489d, 489e, 489f, 489g, providing for the attachment of witnesses in criminal cases, and for the payment of the expenses of witnesses in felony cases."

Read first time and referred to Judiciary Committee No. 1.

By Senator Colquitt:

A bill to be entitled "An act to amend article 75, of chapter 1, of title 8, of the Revised Civil Statutes."

Read first time and referred to Committee on State Asylums.

By Senator Dibrell:

A bill to be entitled "An act to amend article 503 of chapter 3, title 15 of the Penal Code of the State of Texas."

Read first time and referred to Judiciary Committee No. 2.

Call concluded.

SPECIAL ORDER.

The Chair laid before the Senate Senate bill No. 27, entitled "An act to transfer to the general revenue account certain funds now in the State Treasury to the credit of other accounts."

Action being on engrossment.

(Senator Presler in the chair.)

By Senator Greer:

Amend section 1 by adding after the word government in line 6 the following: "Provided, that warrants in the hands of the original holder shall be first paid out of said funds."

Senator Smith moved to correct the Journal of yesterday so as to show that his amendment to Senate bill No. 27, to-wit: "Amend section 1. by striking out the following: Direct tax accounts, \$115,449.86," was not acted on and therefore not lost.

Lost by the following vote:

Yeas—7.

Atlee.	Lewis.
Bowser.	Simpson.
Darwin.	Smith.
Gage.	

Nays—20.

Agnew.	Lawhon.
Beall.	McKinney.
Colquitt.	Presler.
Crowley.	Rogers.
Dean.	Shelburne.
Dibrell.	Sherrill.
Dickson.	Steele.
Goss.	Tips.
Greer.	Whitaker.
Harrison.	Woods.

Absent, excused.

Boren.

Absent, not excused.

Bailey.

McComb.

Action being taken on Senator Greer's amendment, it was lost by the following vote:

Yeas—9.

Agnew.	Greer.
Beall.	Presler.
Bowser.	Shelburne.
Crowley.	Woods.
Goss.	

Nays—17.

Atlee.	Lewis.
Colquitt.	McKinney.
Darwin.	Rogers.
Dean.	Simpson.
Dibrell.	Smith.
Dickson.	Steele.
Gage.	Tips.
Harrison.	Whitaker.
Lawhon.	

Absent, excused.
Sherrill. Boren.

Absent, not excused.
Bailey. McComb.

Senator Goss moved to recommit the bill.

The Chair expressed a doubt as to whether the motion was in order, and no action was taken thereon.

Senator Smith moved to indefinitely postpone further consideration of the bill.

Lost by the following vote:

Yeas—11.

Atlee.	Harrison.
Beall.	Lawhon.
Colquitt.	Lewis.
Dibrell.	Simpson.
Gage.	Smith.
Greer.	

Nays—16.

Agnew.	McKinney.
Bailey.	Presler.
Bowser.	Rogers.
Crowley.	Shelburne.
Darwin.	Steele.
Dean.	Tips.
Dickson.	Whitaker.
Goss.	Woods.

Absent, excused.

Boren.

Sherrill.

Absent, not excused.

McComb.

HOUSE MESSAGE.

House of Representatives,
Austin, Texas, January 17, 1895.

Hon. George T. Jester, President of the Senate:

I am directed by the House to inform the Senate that the House has refused to consider the vote by which House Concurrency Resolution No. 3, providing for committees to visit the various State institutions, was passed, and I am directed to return the same to the Senate for consideration.

Respectfully,

CHESTER HAILE,

Chief Clerk House of Representatives.

(Lieutenant Governor Jester in the chair).

MESSAGE FROM THE GOVERNOR.

Executive Office,
Austin, Jan. 17, 1895.

To the Senate:

The advice and consent of the Senate is respectfully asked to the following appointments:

Board of Pardon Advisers, W. C. Denson of Travis County and W. B. Dunham of Travis County.

Superintendent of the Southwestern Lunatic Asylum at San Antonio, Dr. B. M. Worsham of Ellis County.

Live Stock Sanitary Commission, R. J. Kleberg of Nueces County, T. J. Hall of Cooke County and W. J. Moore of Galveston County.

C. A. CULBERSON, Governor.

Senator Atlee moved to go into executive session on the Governor's appointments at 10:30 a. m. on Saturday.

Carried.

Senator Goss again moved to recommit Senate bill No. 27 without instruction.

Carried.

BILLS ON SECOND READING.

The Chair laid before the Senate,

Senate bill No. 9, entitled "An act to make it a penal offense for any person in the State to unlawfully scatter or so place on land not his own, the seed or roots of any other vegetation which will make such land unsuitable for the cultivation of cotton, or of corn, or any other grain, or which will make the cultivation of such land in such crops more difficult, or which will impair or diminish the value of such land for the cultivation of such crops as are usually grown thereon; to prescribe the punishment therefor, and to prescribe the proceedings in prosecutions in such cases."

Action being on engrossment.

By Senator Smith:

Amend section 1, by striking out all of said section after the word "shall," in line 3, and by adding the following: "Willfully sow, scatter, or place on land not his own the seed or roots of Johnson grass, with intent to injure said land, or to make the cultivation thereof more difficult, or to diminish or impair the value of such land for the purpose of raising cotton, corn or other grain thereon, he shall be deemed guilty of a misdemeanor, on conviction thereof he shall be fined in any sum not less than one hundred dollars no more than one thousand dollars, and by confinement in the county jail for any period of time not to exceed one year, or by fine without such imprisonment."

Pending consideration, Senator Agnew moved that the amendment be printed in the Journal and the bill and amendment laid on the table subject to call.

Carried.

The Chair then laid before the Senate, Senate bill No. 25 entitled, "An act to amend article 4684, title 95, chapter 2, of the Revised Civil Statutes of the State of Texas."

Bill read second time.

Senator Simpson moved to recommit the bill.

Lost.

Senator Simpson then moved to postpone further consideration, and that the bill be made special order for Monday next after call.

Carried.

The Chair announced that the hour for executive session had arrived and the Senate accordingly went into executive session.

AFTER EXECUTIVE SESSION.

In executive session the following confirmations were had:

Secretary of State, Allison Mayfield of Grayson County.

Assistant Attorney General, Mann Trice of Dallas County.

Commissioner of Agriculture, Insurance, Statistics, and History, A. J. Rose of Bell County.

State Health Officer, Dr. R. M. Swearingen of Travis County.

Adjutant General, W. H. Mabry of Marion County.

Superintendent of Penitentiaries, L. A. Whatley of Cass County.

Assistant Superintendent of Penitentiaries at Huntsville, J. G. Smither of Walker County.

Assistant Superintendent of Penitentiaries at Rusk, J. P. Gibson of Cherokee County.

Financial Agent of Penitentiaries, Joseph S. Rice of Tyler County.

Inspectors of Penitentiaries, Wharton Bates of Brazoria County and T. E. Durham of Gregg County.

On motion of Senator Steele, 11:30 a. m. Friday, January 18, was fixed for the time for the Senate to go into executive session on the appointments of the retiring Governor, Hogg.

On motion of Senator Agnew, Senator Woods was excused from attendance on Friday and Saturday on account of important business.

On motion of Senator Atlee, Senator Lawhon was added to the Committee on Judicial Districts.

On motion of Senator Lewis, Senator Colquitt was added to the same committee.

On motion of Senator Gage, Senator Simpson was added to Committee on Judicial Districts.

The Chair laid before the Senate,

Senate bill No. 22, entitled "An act to amend article 3222, title 62, chapter 3, of the Revised Civil Statutes of the State of Texas."

Bill read second time, and

On motion of Senator Smith, further consideration was postponed till after call on tomorrow (Friday.)

The Chair laid before the Senate,

Senate bill No. 23, entitled "An act to repeal chapter 15, of the general laws of the State of Texas, passed at the regular session of the Twenty-third Legislature, and to revise article 2309 of the Revised Civil Statutes of the State of Texas," with committee substitute.

Pending the reading of the bill and substitute,

On motion of Senator Goss, Senate adjourned till 10 a. m. tomorrow.

TENTH DAY.

Senate Chamber,

Austin, Texas, January 18, 1895.

Senate met pursuant to adjournment.

Lieutenant Governor Jester in the chair.

Roll called. Quorum present, the following Senators answering to their names:

Agnew,

Boren.

Atlee,

Bowser,

Bailey.

Colquitt.

Beall,

Darwin.